



Country session: Tuvalu

Date of session: 3rd March 2020 (extraordinary 84th session in Samoa)

Context

This was the first time any of the UN human rights treaty bodies held a session at the regional level. "By holding a session in the Pacific, we wanted to draw the world's attention to the pressing issues affecting the enjoyment of children's rights in the region," said Luis Pedernera, Chair of the Committee.

Tuvalu faces challenges in the implementation of the CRC, including that the geographical configuration of the country creates difficulties to reach the outer islands. For example, 8 of the 9 islands can be reached only by ship. Moreover, climate change is an immediate threat to the enjoyment of all children's rights in Tuvalu: hurricanes, cyclones and rising sea levels affect children's security, safety and mental health, threatening progress to the implementation of the CRC..

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	9 November 2012

CRC	
No. of report	II-V
Due date	21 Oct 2017
Submission	09 Mar2018

Public reports from children's rights defenders

Alternative reports and additional information	
NGOs	Care Micronesia Foundation Juvenile Justice Advocates International Global Initiative to End All Corporal Punishment of Children

State delegation



The State [delegation](#) of Tuvalu was a small and multisectoral. It consisted of the Acting Director of Education as Head of Delegation, representatives of the Ministry of Education, the office of the Attorney-General, the Police Department, the Health Department, the CEO Health and the Department of Foreign Affairs.

Committee's Task Force members

Name & Last Name	Country
Clarence Nelson (Coordinator)	Samoa
Renate Winter	Austria
Suzanne Aho Assouma	Togo
Gehad Madi	Egypt

Dialogue description

i. Character of the dialogue

The dialogue with the delegation of Tuvalu was constructive and interactive. Tuvalu was the first country ever to be reviewed outside New York and Geneva and the discussion held in an open and positive atmosphere. The delegation provided answers to all the questions raised by the Committee members.

ii. General assessment made by the Committee

The Committee welcomed the ongoing constitutional review process as a means of ensuring compliance with the principles and provisions of the Convention. However, it was concerned about the delays in the adoption of draft bills concerning children and the insufficient steps taken to harmonize its legislative framework with the Convention. The Committee's experts inquired also about the tracking and the evaluation of budget allocated to children issues as they were concerned about its effectiveness, especially in the outer islands.

iii. Main issues discussed:

- **Climate Change:** The Committee was deeply concerned about climate change in Tuvalu and asked what measures are taken by the government to protect children from this threat, for example by ensuring the safeguard of schools, medical facilities, basic services or transports from climate damage. The delegation responded that in fact climate change is a big problem for the country but although it has negative impacts on children's rights, there are no specific policies in place to address the vulnerability of children. Currently the only measure is the climate change and disasters fund act in 2015 that was adopted by the parliament to provide the security of people of Tuvalu in case of climate change and disasters. In term of health facilities, the government try to upgrade the building of infrastructures and upgrade the capacity to build a resilient health system specially for children victims during the disasters. Moreover, some awareness activities on climate change are conducted.
- **Corporal punishment:** The Committee expressed serious concerns about the recurrence of corporal punishment and inquired about the prohibition of this practice specifically in home and community settings as well as about the existence of awareness programs on alternative forms of punishment. The delegation informed that corporal punishment is prohibited by law and there are no legislations encouraging that. Corporal punishment falls under the physical abuse in the family protection and domestic violence act that has been passed by the parliament in 2017 and ever since the Tuvalu police service has been working on the implementation of this legislation. Additionally, the bill on child protection and welfare has a comprehensive

approach and cover the prohibition not only in schools but also in family and community settings. However, the state delegation recognized that in practice it's difficult to change the mindset of parents and the community as this practice is eradicated in habits and culture of the country. To address this problem there is a special unit of the police service that focus on the implementation of the legislation and provides trainings and awareness raising to teachers, parents, religious leaders and community members in order to show the negative effects of corporal punishment on children and provide alternative forms of disciplines. The committee understood the difficulties to change traditions and culture but urged the state to take further steps toward the elimination of corporal punishment.

- **Domestic violence:** The Committee regretted the persistence of domestic violence, denouncing its dramatic long-term impacts on children and asked for more clarifications on the measures taken to specific target domestic violence and protect children. Particularly, the Committee's experts questioned the delegation about trainings for the authorities such as judges or police officers on how to handle cases of abuse, neglect and domestic violence while ensuring the specific support and protection for children. The Committee suggested that the police intervention should always provide an adult specifically in charge to support and give attention to the children involved. The delegation answered that the police department receives trainings on domestic violence and how to handle children as victims. The delegates also informed that during the intervention of the police there is a special treatment for children and in this case, children need to be placed outside the family, where their views and best interest are considered.
- **Birth Registration:** The Committee regretted the low rates of birth registration, especially in the outer islands and asked what difficulties the population of Tuvalu is facing as there seem to be fees for late registration and low public awareness on the importance of birth registration. The Committee's experts were concerned about the effectiveness of the measures from the government to ensure the birth registration of every child. The delegation from Tuvalu responded that while the lack of awareness is one of the major problems, the fee for late registration doesn't constitute an obstacle. The birth registration is free for one year and then the amount is 10 dollars but there are always members of the family or the community to assist those parents that cannot afford the fee. To address this issue the delegation informed that some raising awareness programs are organized alongside a radio program providing information on birth registration. The procedure consists in giving a birth notification form, advising the parents to register the child in the period of 1 year free of charge and home visiting to ensure that the child has been registered on time.
- **Education:** The Committee welcomed the free primary and secondary school but was concerned about the existence of extra fees and hidden costs of education such as for school uniforms and transportation and the consequent impossibility for a lot of people to send children to school. The Committee's experts stressed that Tuvalu needs to take specific measures to limit school dropout, renew the inadequate learning materials, ensure a quality education and enhance the number of qualified teachers. The Committee also inquired about the situation of pregnant girls being dismissed from school and encouraged the State party to provide school re-entry policies for adolescent mothers. The delegation responded that the national education department has taken several measures to improve the quality of teaching across the country and that the national education sector plan aims to achieve significant improvements in the range of available resources for all children while also improving education infrastructure and the learning environment throughout the country, included the outer islands. Working in partnership with the University of South Pacific, under the Australian support for education in Tuvalu, in 2019, 18 teachers from Tuvalu graduated, in order to increase the quality of the education system. However, due to teachers' shortage there has been a practice to also engage trained community teachers. To support families facing financial difficulties, the government provides free transportation daily for children on the main island and from 2 of the outer islands and the education department is also providing free education materials.

- Children with disabilities:** The Committee was concerned about the situation of children with disabilities in Tuvalu and enquired about inclusive education, the number of children with disabilities, the budget allocated for their care and the adequateness of the services to enable them to access health services and education facilities. The Committee also regretted the lack of a special law to protect the rights of children with disabilities. The delegation informed that although there is some budget allocation for disabilities, considering the limited resources, the government cannot provide full time specialised support to children with disabilities. A specific bill on persons with disabilities is in early development process and in 2016 a baseline survey has been conducted to find out the different kind of disabilities in Tuvalu, this was the first ever survey specific for persons with disabilities that has been conducted in the country. Concerning inclusive education, the delegation informed that access to education is provided for all persons with disabilities with inclusive and appropriate learning materials. Moreover, an advisory group is in charge to identify need with children with disabilities, train teachers, implement plans to ensure their education. Concerning access to transport, the delegates informed that only in the main island there is a dedicated bus to transport children with disabilities but due to financial constraints the boats in the outer islands are not adequate for persons with disabilities. However, based on the community setting of Tuvalu people work together to help them to access the boats.

Recommendations of the Committee

In its [Concluding Observations](#), The Committee drew the State party's attention to the recommendations concerning the following areas:

- Birth registration:** The Committee recommends that the State party intensify its efforts to ensure that all children in its territory, including the children of unmarried parents and children in the outer islands, have access to birth registration, including through setting up mobile registration units, abolishing all birth registration fees and raising awareness among the general public of the importance of birth registration.
- Corporal Punishment:** The Committee urges the State party to repeal article 226 (4) of its Penal Code and take the legislative and policy measures necessary to explicitly prohibit corporal punishment in all settings; Promote positive, non-violent and participatory forms of child-rearing and discipline, including by strengthening awareness-raising programmes and campaigns targeting children, parents, teachers and traditional, religious and community leaders.
- Sexual Exploitation and Abuse:** The Committee recommends that the State party amend its legislation to ensure that all boys and girls under 18 years of age are protected from all forms of sexual exploitation and abuse by law; ensure that all forms of sexual exploitation and abuse perpetrated against children are criminalized and the perpetrators are duly prosecuted and punished with sanctions commensurate with the gravity of their crimes; expedite the adoption of legislation prohibiting child sexual abuse material online; combat the stigmatization of child victims, eliminate the legal barriers that prevent child victims of sexual exploitation and abuse from reporting incidents to the relevant authorities and ensure that there are accessible, confidential, child-friendly and effective reporting channels for such violations.
- Children with disabilities:** The Committee urges the State party, with the full and effective participation of children with disabilities, to harmonize national legislative and policy frameworks with the human rights model of disability to uphold the rights of children with disabilities, including by setting up a comprehensive strategy for the full inclusion of children with disabilities into society; undertake a study on the situation of children with disabilities, including their access to services and support, and use the findings to inform the implementation of the Convention and its national legal and policy frameworks; ensure access for children with disabilities, including those with intellectual and psychosocial disabilities, to inclusive education in mainstream schools, with adequately trained teachers and professionals to provide individual support to them.

- **Impact of climate change on the rights of the child:** The Committee recommends that the State party ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies and programmes addressing the issues of climate change and disaster risk management; collect disaggregated data identifying the types of risk faced by children in the occurrence of a variety of disasters, in order to formulate international, regional and national policies, frameworks and agreements accordingly; strengthen the implementation of national policies for sustainable safe water supplies and sanitation, including the sustainable and integrated water and sanitation policy, with a view to increasing access to sufficient safe drinking water and providing adequate sanitation, including in the outer islands; strengthen measures to increase children's awareness and preparedness for climate change and natural disasters.
- **Education:** The Committee recommends that the State party eliminate extra fees and hidden costs of education to ensure that children from financially disadvantaged families have access to education on an equal basis with others; take all measures necessary to ensure access to quality education, including by upgrading the infrastructure of schools, conducting a review of teaching and instructional methods and materials with a view to increasing their quality and allocating sufficient resources to train qualified teachers, ensuring that they receive systematic and appropriate training to upgrade their teaching skills further through in-service training

The Committee also drew the State party's attention to the recommendations concerning the following areas:

- **General measures of implementation:** Legislation; Comprehensive policy and strategy; Coordination; Allocation of resources; Data collection; Independent monitoring; Dissemination, awareness-raising and training.
- **Definition of the child**
- **General principles:** Non-discrimination; Best interests of the child; Respect for the views of the child.
- **Civil rights and freedoms:** Birth registration; Freedom of thought, conscience and religion; Right to privacy
- **Violence against children:** Corporal punishment; Abuse and neglect; Sexual exploitation and abuse.
- **Family environment and alternative care:** Family environment; Children deprived of a family environment; Adoption.
- **Children with disabilities**
- **Basic health and welfare:** Health and health services; Adolescent health; Impact of climate change on the rights of the child; Standard of living.
- **Education, leisure and cultural activities:** Education, including vocational training and guidance.
- **Special protection measures: Children in situations of migration;** Administration of child justice
- **Ratification of the Optional Protocols to the Convention**
- **Ratification of international human rights instruments**
- **Cooperation with regional bodies**

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 10.3 on ensuring equal opportunity and reduce inequalities of outcome, including through eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and actions in this regard.
- 16.9 on providing legal identity for all including free birth registrations.
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence and torture against children.
- 3.2 on ending preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births.
- 13.2 on integrating climate change measures into national policies, strategies, and planning
- 1.3 on implementing nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.



- 4.2 on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.
- 4.4 on substantially increasing the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.
- 4.5 on eliminating gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations.
- 4.7 on ensure all learners acquire knowledge and skills needed to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture's contribution to sustainable development.
- 4.C on substantially increasing the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States.

Next State report

CRC	
No. of report	VI-VII
Due date	21 October 2025

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